



W.P. (MD) No. 720 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.01.2023

C O R A M

THE HONOURABLE MR.JUSTICE P.D.AUDIKEVALU

W.P. (MD) No. 720 of 2023

Velusamy

... Petitioner

Vs.

1. The District Registrar,
Office of the District Registrar, Karur,
Karur District.
2. The Assistant Commissioner,
Office of the Hindu Religious Endowment Board,
Karur, Karur District.
3. The Executive Officer,
Arulmigu Kalyana Pasupatheeswarar Temple,
Karur Town, Karur District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the constitution of India, to issue a writ of Mandamus, directing the respondent Nos.2 and 3 to issue the No Objection Certificate for registering the Unnumbered sale deed in Karur District, Manmangalam Taluk, Vangal Village at Survey No. 1222/B in patta No. 3520 which extent about 0.48 cents by considering petitioner representation dated 15.08.2022 in accordance with law within time stipulated by this Hon'ble Court.



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For Petitioner : Mr. R.Rajaselvan
For Respondents : Mr. T.Villavankothai
Additional Government Pleader
for R1 and R2
Mr. S.Shanmugavel for R3

ORDER

Heard Mr. R.Rajaselvan, Learned Counsel for the Petitioner, Mr. T.Villavankothai, Learned Additional Government Pleader who takes notice for the First and Second Respondents and Mr. S.Shanmugavel, Learned Counsel who takes notice for the Third Respondent, and perused the materials placed on record apart from the pleadings of the parties.

2. The Petitioner claims to have purchased the land of an extent of 0.48 cents in Survey No. 1222/B in Vangal Village, Manmangalam Taluk, Karur District for which Patta No. 3520 is said to have been granted in favour of his vendor, viz., Rathinam, by the District Revenue Officer, Karur. According to him, when he presented the sale-deed executed in his favour before the First Respondent, it was refused to be registered under Section 22-A of the Registration Act, 1908, citing that the property belongs to the Temple of the



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Third Respondent. Since the Second Respondent has refused to grant 'No Objection' certificate for registration of the said land in the name of the Petitioner, he has filed this Writ Petition.

3. At this juncture, reference must be made to the manner in which a claim made by religious institutions under Section 22-A of the Registration Act, 1908 (as amended in the State of Tamil Nadu) has to be dealt by the Registering Authority as held by the Division Bench of this Court in ***Sudha Ravi Kumar -vs- Special Commissioner and Commissioner, Hindu Religious and Charitable Endowments Department, Chennai*** [(2017) 3 CTC 135]. If the said procedure has not been followed, it is for the aggrieved party to work out his remedy in that regard before the proper forum in the manner recognized by law, but it is not possible to entertain any Writ Petition seeking to direct the Hindu Religious and Charitable Endowments Department to grant 'No Objection' certificate as sought by the Petitioner in this case. It is needless to clarify that no view has been expressed on the merits of the controversy involved in the matter.

4. In fine, the Writ Petition is dismissed with the aforesaid observations.

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No costs.

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NCC : Yes/No

Index : Yes/No

Note: Issue order copy on 27.01.2023

To

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P.D.AUDIKESAVALU,J.

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